

MIKE THRALLS 3/17/2009

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OKLAHOMA

3 W. A. DREW EDMONDSON, in)
4 his capacity as ATTORNEY)
5 GENERAL OF THE STATE OF)
6 OKLAHOMA and OKLAHOMA)
7 SECRETARY OF THE ENVIRONMENT)
8 C. MILES TOLBERT in his)
9 capacity as the TRUSTEE FOR)
10 NATURAL RESOURCES FOR THE)
11 STATE OF OKLAHOMA,)

12 Plaintiff,)

13 vs.)

No. 05-CV-00329-GKF-PJ

14 TYSON FOODS, INC, et al.,)
15)
16 Defendants.)

17 VIDEOTAPED DEPOSITION OF MICHAEL THRALLS,
18 before the undersigned Certified Shorthand Reporter,
19 taken on behalf of the Defendants, at the Attorney
20 General's office of the State of Oklahoma, 313
21 Northeast 21st Street, Oklahoma City, Oklahoma,
22 commencing at 9:05 a.m., on March 17, 2009, pursuant to
23 the stipulations of the parties.
24
25

NICHOLE M. MYERS, RPR, CSR #1704

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1 TRANSCRIPT OF PROCEEDINGS

2 THE VIDEOGRAPHER: Today's March 17th,
3 2009. We are at the Attorney General's Office in
4 Oklahoma City for the deposition of Mike Thralls in
5 the case of State of Oklahoma versus Tyson Foods. We
6 are on the record at 9:05 a.m.

7 MICHAEL THRALLS,
8 after having been duly sworn to testify the truth, the
9 whole truth, and nothing but the truth, testified as
10 follows:

11 DIRECT EXAMINATION

12 BY MR. SANDERS:

13 Q. Mr. Thralls, my name is Bob Sanders. I'm
14 a lawyer in this case for Cal-Maine Foods and
15 Cal-Maine Farms. I'm going to be asking you some
16 questions this morning. I know you've been deposed
17 before so I'll -- I'm presuming you're fairly
18 familiar with how this goes so if you need to take a
19 break at any time, just let us know and we'll break.
20 If you don't understand a question, just ask me and
21 I'll try and clear it up for you. Is that all right?

22 A. Okay.

23 MR. NANCE: Bob, if I may, we're
24 stipulating to reserve objections except to the form
25 until time of trial as usual?

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1 A. Shanon Phillips.

2 Q. If a person -- let's say a cattle farmer
3 simply refuses your efforts at BMP's regarding
4 fencing of streams. Do you report that to anyone?

5 A. Not to my knowledge. I don't believe we
6 do.

7 Q. Okay.

8 A. We would have an internal report.

9 Q. All right.

10 A. Possibly. I don't even know if we keep
11 that.

12 Q. Well, I was going to ask you do you have
13 some sort of register that would show that?

14 A. Not that I'm aware of.

15 Q. Okay.

16 A. Field personnel may keep something. I'm
17 sure that the field people keep some record of who
18 they've contacted and who's refused and who's
19 accepted.

20 Q. Do you know the names of the Defendants in
21 this case?

22 A. Only in general terms. I've read them,
23 but I don't know that I could recite them to you.

24 Q. Well, let me tell you -- I can't recite
25 the corporations, but you have a group of Tyson

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1 Defendants, you have a group of Cal-Maine Defendants,
2 Cargill Defendants, Peterson Farms, Simmons, Willow
3 Brook Foods.

4 A. What was that one?

5 Q. Willow Brook Foods.

6 A. Okay.

7 Q. I think that's all. George's.

8 A. I think George's is in it.

9 Q. (By Mr. Sanders) Are -- are you aware of
10 any violation of any Oklahoma law by any of those
11 Defendants?

12 MR. NANCE: Object to the form. Calls for
13 a legal conclusion.

14 Q. (By Mr. Sanders) And let me narrow that.
15 With regard to raising poultry in the IRW.

16 MR. NANCE: Same objection.

17 A. I'm not aware of anything.

18 Q. (By Mr. Sanders) Have any of your --

19 A. Other than the contention by the Attorney
20 General of course.

21 Q. Have any of your conservation districts
22 or -- what do you have, district managers out there
23 or --

24 A. Depends upon the individual district.

25 Q. Okay. Well, have any of the persons in a